

EXHIBIT A

SUMMONSAttorney(s) Law Office of Alexander SchachtelOffice Address 648 Newark AvenueTown, State, Zip Code Jersey City, NJ 07306

Telephone Number _____

Attorney(s) for Plaintiff _____

EZRA ROMANOV_____
Plaintiff(s)

vs.

MICROSOFT CORP, ET. AL._____
Defendant(s)**Superior Court of
New Jersey**Ocean ☒ County

Law _____ Division

Docket No: OCN-L-2468-20**CIVIL ACTION
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

/s/ Michelle Smith_____
Clerk of the Superior CourtDATED: 12/09/2020Name of Defendant to Be Served: Microsoft Corp.Address of Defendant to Be Served: One Microsoft Way, Redmond, Washington 98052

Alexander Schachtel, Esq. (ID # 128062015)
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Jersey City, New Jersey 07306
Attorney for Defendants
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EZRA ROMANOV,

Plaintiff,

v.

MICROSOFT CORP, JOHN DOE 1-10 AND
RICHARD ROE 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY
DOCKET NO.: OCN-L-2468-20

Civil Action

COMPLAINT

COMPLAINT

The above-named Plaintiff, Ezra Romanov ("Plaintiff" or "Romanov"), by and through their counsel, the Law Office of Alexander Schachtel, LLC, hereby say by way of Complaint against Defendants Microsoft Corp. ("Microsoft,"), and John Doe 1-10 and Richard Roe 1-10, designations for as yet unidentified individual Defendants, as follows:

FACTS COMMON TO ALL COUNTS

1. Plaintiff is a natural person residing at 1 N. Main Street, New Egypt, NJ 08533.
2. Defendant Microsoft is a multinational corporation with headquarters at One Microsoft Way. Redmond, Washington 98052.
3. Defendants John Doe 1-10 and Richard Roe 1-10 are individuals whose full identities are unknown to the Plaintiff at this time. From approximately 2013 to present, Plaintiff has been a prominent community

leader in the “Halo” gaming community wherein he organizes popular on and offline events and community groups for fans of the game to congregate and share their opinions, strategies, and generally to socialize and foster a sense of camaraderie.

4. “Halo” is a video game series that is available on Defendant Microsoft’s gaming consoles (the Xbox) and through Microsoft’s live-internet gaming network (“Xbox Live”).

5. Beginning several years ago and continuing intermittently since that time, Plaintiff has been the victim of coordinated and repeated acts of cyber-stalking and severe mental and emotional harassment and abuse which began on Defendant’s Xbox Live servers and eventually spread over to other on and offline forums and platforms.

6. Plaintiff and the organizations and groups he chairs and supports have been specifically targeted by these cyber stalkers who have defamed the Plaintiff on numerous false counts and engaged in a variety of other obscene and disturbing acts, motivated solely by animus towards the Plaintiff, causing substantial damage to Plaintiff’s personal and professional reputation on and off-line.

7. Plaintiff has further suffered extreme emotional and psychological distress caused By the aforementioned cyber stalking and harassment and further by unsubstantiated accusations that Plaintiff was involved in illicit and lewd behavior.

8. The cyber harassment and stalking have transcended the “online forum” on several occasions including at one point where an online detractor of the Plaintiff somehow obtained Plaintiff’s home address and called in a bomb threat to Plaintiff’s residence leading to a “Swat Team” being called thereto.

9. Further, Plaintiff has been recipient of “hate mail” and other disturbing letters

and packages sent to his primary residence, causing him to become so concerned for his safety that he has been forced to change his address.

10. Plaintiff has reported these troubling patterns of speech and conduct to Defendant Microsoft on many occasions.

11. Microsoft is, pursuant to its own “terms of service” responsible for much of the conduct which occurs on//through its Xbox Live gaming platform which also serves as a hub for related online gaming communities and groups.

12. Microsoft is in a unique position to prevent further cyber stalking and harassment of the Plaintiff as it has the ability to “ban” or “censor” the accounts of users which have targeted the Plaintiff.

13. Microsoft’s customer support staff has repeatedly advised that it would investigate or take some action to address the Plaintiff’s grievances but to date no action has been taken.

14. Plaintiff has provided a litany of documentary evidence including recorded written statements and other obscene audio/visual evidence which was transmitted to him on and through Defendant’s online gaming service.

15. However, again to date Microsoft has done nothing to address Plaintiff’s concerns and has negligently allowed this disturbing pattern of severe abuse against the Plaintiff to continue unabated.

16. Microsoft has in fact even refused to cooperate with police inquiries by withholding the names and contact information of individuals involved in the gang-stalking and harassment of the Plaintiff on and off-line.

17. In addition to his role as a leader in the online gaming community, Plaintiff is

an artistic professional who has recorded and published original musical works.

18. Plaintiffs' personal and professional reputation have been severely damaged by the cyber stalking and harassment and he has been denied opportunities for self-promotion and other career advancement based on baseless online threats and disturbing and lewd audiovisual material which has been published about him online by these cyber-stalkers.

COUNT ONE
BREACH OF CONTRACT

19. Plaintiff repeats and reiterates the factual allegations set forth above as if fully set forth herein.

20. Plaintiff is and has been a paying user of Defendant Microsoft "Xbox Live" online gaming platform at all relevant times herein.

21. Defendant's platform includes a "user agreement" and "terms of service" which represent, among other things, that Defendant has adopted and implemented policies to protect users of Xbox Live from online hate speech, harassment, and other offensive conduct.

22. Plaintiff assented to the Defendant's terms of service as a paying subscriber of the service/platform.

23. Defendant has breached its own terms of service by failing to enforce its clearly stated policies.

24. Specifically, Defendant represents that users of its service are prohibited from the following conduct, [users shall not "Defame, abuse, harass, stalk, threaten or otherwise violate the legal rights (such as rights of privacy and publicity) of others; Publish, post, upload, distribute or disseminate any inappropriate, profane, defamatory, infringing, obscene, indecent or unlawful topic, name, material or information; Publish, post, upload, distribute or disseminate any topic, name, material or information, etc."]

25. Defendant has failed to enforce its own clearly stated terms of service with respect to the individuals who have targeted the Plaintiff. Moreover, Plaintiff has repeatedly complained and reported these ongoing terms of service violations to Defendant which has failed and refused to take any adverse action against the offending parties.

26. As a result of the Defendant's contractual breach, Plaintiff has sustained damages and has been caused to endure several anguish and suffering.

WHEREFORE, Plaintiff demands judgment against Defendant of the First Count of the Complaint, by way of the following relief:

- A. Compensatory, economic, and consequential damages.
- B. Costs of suit.
- C. Attorney's fees.
- D. Punitive Damages.
- E. Any other relief which the Court may deem proper.

SECOND COUNT
Intentional/Negligent Infliction of Emotional Distress

27. Plaintiff repeats and reiterates the factual allegations set forth above as if fully set forth herein.

28. Defendant Microsoft has been advised on countless occasions of egregious acts \ of verbal and other bizarre on/offline harassment against Plaintiff that has been perpetrated by users of the Xbox Live Platforms/Service.

29. At one point the Plaintiff's cyber stalkers managed to obtain his personal address and contact information which upon information and belief was shared with them by the Defendant or an employee/representative of the Defendant Microsoft.

30. The sharing of Plaintiff's personal contact information led to a false bomb threat

called into his home and other disturbing hate mail and threats to be sent to Plaintiff's residence.

31. Defendant Microsoft Corp is liable to the Plaintiff as a joint tortfeasor in these acts of abuse and cyber stalking and harassment as it has failed to protect and safeguard the Plaintiff's personal information and further failed to reasonably intervene to protect the Plaintiff's information.

WHEREFORE, Plaintiff demands judgment against Defendant of the Second Count of the Complaint, by way of the following relief:

- A. Compensatory, economic, and consequential damages.
- B. Costs of suit.
- C. Attorney's fees.
- D. Punitive Damages.
- E. Any other relief which the Court may deem proper.

THIRD COUNT
General Negligence

32. Plaintiff repeats and reiterates the factual allegations set forth above as if fully set forth herein.

33. Defendant Microsoft Corp. is the operator of the Xbox Live Online gaming system and related virtual platforms and communities.

34. As the operator of this digital platform, Defendant Microsoft owes a general duty of care to implement reasonable precautions to protect the safety of users of its gaming service and their personal data.

35. This duty of care includes but is not limited to adopting reasonable safeguards to protect users' data privacy and also to protect users from extreme verbal abuse/harassment and from being subject to receipt of lewd and obscene images and materials.

36. Defendant Microsoft Corp. has breached its duty of care with respect to Plaintiff as it has negligently allowed his personal information to fall into the hands of malicious actors who have used such information to harass the Plaintiff and cause suffering in both on/offline forums including but not limited to Xbox Live.

37. Defendant has further negligently failed to protect Plaintiff from severe harassment and emotional abuse through its gaming servers and has allowed the transmittal of lewd and obscene audiovisual materials to the Plaintiff through its platforms.

38. Defendant's negligence is particularly egregious in light of the Plaintiff's repeated complaints and requests for intervention which included at one point the Plaintiff being caused to retain private counsel to correspond with Defendant's legal department and Plaintiff being caused to initiate police investigations to ascertain the identity of his online detractors, with which Defendant refused to cooperate.

WHEREFORE, Plaintiff demands judgment against Defendant of the Third Count of the Complaint, by way of the following relief:

- A. Compensatory, economic, and consequential damages.
- B. Costs of suit.
- C. Attorney's fees.
- D. Punitive Damages.
- E. Any other relief which the Court may deem proper.

Alexander Schachtel, Esq.
Attorney for Plaintiff

DATE: 10/14/2020

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

JURY DEMAND

Defendants hereby demands a jury trial as to all issues so triable.

Alexander Schachtel, Esq.
Attorney for Plaintiff

DATE: 10/14/2020

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, notice is hereby provided that Alexander Schachtel, Esq, is designated as trial counsel in this matter.

Alexander Schachtel, Esq.
Attorney for Plaintiff

DATE: 10/14/2020

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that, except as set forth below, the matter in controversy is not the subject of any other pending or contemplated Court action or arbitration, nor am I presently aware of any other party who should be joined in this action, subject to the information revealed through discovery.

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Alexander Schachtel, Esq.
Attorney for Plaintiff

DATE: 10/14/2020

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-002468-20

Case Caption: ROMANOV EZRA VS MICROSOFT CORP.

Case Initiation Date: 10/21/2020

Attorney Name: ALEXANDER N SCHACHTEL

Firm Name: ALEXANDER SCHACHTEL

Address: 648 NEWARK AVE

JERSEY CITY NJ 07306

Phone: 2019250660

Name of Party: PLAINTIFF : Romanov, Ezra

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: TORT-OTHER

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? YES

Are sexual abuse claims alleged by: Ezra Romanov? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

10/21/2020

Dated

/s/ ALEXANDER N SCHACHTEL

Signed